Philip Morris Upheld As Owner Of The 'Players' Trademark

RICHMOND (AP) — A federal appeals court Friday upheld a ruling that named Philip Morris Inc. as the owners of the "Players" trademark and prohibited Imperial Tobacco Co. from selling its "Players" tobacco products under that name in the United States.

Imperial Tobacco, exclusive manufacturer and distributor of "Players" products in the United Kingdom and Ireland, had challenged an earlier ruling in the complex case in U. S. District Court here.

Friday's 4th U. S. Circuit Court of Appeals opinion by Judge Simon E. Sobeloff called the lower court's reasoning completely persuasive and its conclusions unimpeachable.

Imperial had contended Philip Morris was simply its perpetual licensee for the brand "Players Navy Cut" and therefore was free to sell any other "Players" product in the United States.

Imperial's position was based on a 1902 agreement between Imperial and American Tobacco Co., Philip Morris' assignor and predecessor in interest.

The Imperial-American Tobacco arrangement continued until 1911 when the U. S. Supreme Court, in breaking up the "huge tobacco trust," held the 1902 agreement violated the Sherman Antitrust Act.

According to Friday's opinion, Imperial was arguing in effect that "the combination held violative of the antitrust law persists to this day, and Imperial has a right to control American's assignee as to the manufacture of Players cigarettes."

Also rejected was Imperial's contention that the lower court ruling by Judge John D. Butzner Jr., who was serving in U. S. District Court here at the time of the decision, produced an "anticompetitive" effect.

"We see no greater anticompetitive effect here," Sobeloff said, "than in any other case upholding a trademark as valid and prohibiting its infringement. Imperial is of course free to sell its other products in this country and may even sell its Players products if it uses a non-enfringing trademark."

Business briefly . . .

Stella-D'Oro Biscuit Co., through Firestone and Associates, both New York, will run its first network TV campaign with one-minute commercials on ABC-TV daytime shows *Newlywed Game*, *General Hospital*, and *Dark Shadow*, running the month of September.

Mutual last week announced 14 advertisers making new purchases on the network. Advertisers were **General Foods Corp.**, through Young & Rubicam, both New York; **Kellogg Co.**, Battle Creek, Mich., through Leo Burnett, Chicago; **Kraft Foods** through J. Walter Thompson, both New York; **Morton Salt**, through Needham, Harper & Steers, both Chicago; **American Tobacco**, through Gardner, both New York; **Miller Brewing**, through Mathisson & Associates, both Milwaukee; **Colgate-Palmolive**, through Ted Bates & Co., both New York; **Union Carbide**, through William Esty Co., both New York; **Philip Morris**, through Burnett, both Chicago, **A&W Root Beer** through Dancer-Fitzgerald-Sample, both Los Angeles.

AUG 1966

Philip Morris Booklet

Philip Morris Incorporated has published an illustrated booklet describing all aspects of the company's diversified operations. George Weissman, president, said of the booklet, 'This Philip Morris' is designed to acquaint friends of the company, prospective employes, and interested editorial personnel with both Philip Morris Incorporated and the industries in which it is represented. The booklet is available on request to Corporate Relations Department, Dept. AAM, 100 Park Ave., New York, N.Y. 10017.

Source: https://www.industrydocuments.ucsf.edu/docs/qzxk0000